

Appl. No.: 09/425,804
Response dated May 20, 2003
Office Action 3/13/2003

REMARKS

Restriction Requirement

Claims 1-14 and 18-39 in the application have been withdrawn, without prejudice, to a non-elected invention. Claims 15-17 and new claims 40 through 57 remain in the application. The new claims are believed to fall within the same Group as claims 15 – 17 directed to aptamers that bind to a specific target protein, e.g., SEQ ID NOS.: 32, 33, 38 and 39 that bind to NF-kB/Rel proteins.

Priority Claim

The specification has been amended to place the claim of priority in the first sentence of the specification, from its former location as the last sentence of the first paragraph.

Support for New Claims

Applicants new claims find support in the specification and claims as filed, in particular page 10, lines 11-20 (achiral modifications); page 12, lines 12-21, page 16, lines 6-13, Examples 3, 4 and 6 (binding to proteins of the NF-kB/Rel family); Example 6, page 68 and figures 11a and 11b (aptamer further including salts and diluents). Support for the binding of NF-kB across species (e.g., human to guinea pig NF-kB) is located throughout the specification, more specifically, Examples 3, 4 and 6, from nuclear extracts (recombinant NF-kB in the screening assay, pages 47-52, nuclear cell extracts from 70/Z3 human pre-B cell line, page 60, line 17 to page 61, line 14; and in an *in vivo* LPS model using Guinea pigs, pages 68-69, figures 11a and 11b). No additional claims' fees are believed to be due as a result of the addition of the new claims.

Claim Rejections Section 112

The Action rejects the claims under Section 112, second paragraph for being indefinite. Applicants believe that the claims as amended address each and every ground for rejection, namely, claiming of non-elected subject matter (non-elected species) and the use of the phrase "constituents thereof." All pending claims are therefore allowable and Applicants respectfully request withdrawal of all pending rejections.

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No additional claims' fees are believed to be due as a result of the addition of the new claims or this Response. The Examiner is invited to telephone the undersigned at the telephone number listed below if he or she has any questions or suggested amendments to the claims.

Dated this May 20, 2003.

Respectfully submitted,

CHALKER FLORES, LLP

By:



Edwin S. Flores
Attorney for Applicant
Registration No.: 38,453

Chalker Flores, LLP
Client No. 34,725
12700 Park Central, Ste. 455
Dallas, TX 75251
(214) 866 0001 Tel
(214) 866 0010 Fax